

Remarks

This is a full and timely response to the Office Action mailed June 24, 2005. Reconsideration in light of the above amendments and the following remarks is courteously requested.

Claims 1, 5 and 14 have been amended herein and new claims 15-17 have been added. Thus, claims 1-17 are currently pending for the Examiner's consideration. It is respectfully submitted that no new matter has been added.

Objections to the Claims

The Examiner objected to claim 1 for containing a minor informality and claim 5 for having insufficient antecedent basis for the terminology "the anterior notch portion". Claim 1 has been amended herein to correct the minor informality and claim 5 has been amended to depend from claim 3 to thereby provide antecedent basis for the recited structure. In view of the amendments to claims 1 and 5 it is submitted that the Examiner's objections have been overcome.

Rejections Under 35 U.S.C. 102

Claims 1-8, 11 and 14 were rejected under 35 USC 102(b) as being anticipated by Brisebois (US 5,718,699).

Applicant respectfully traverses these rejections for at least the following reasons.

The Examiner rejected the claimed invention on the purported grounds that Brisebois '699 at Fig. 2 and col. 5, l. 63 through col. 6, l. 33 discloses all of the features of the claimed invention. The Examiner's rejection is respectfully traversed. Independent claims 1 and 14 have been amended to emphasize that the "side flap is structured and arranged to secure said sanitary napkin to said user's undergarment when said flap is folded over said crotch portion of said user's undergarment." It is respectfully submitted that Brisebois fails to disclose a flap that has a distal end that is "not substantially laterally outward from the at least one outermost front distal point and the distal end is not substantially laterally outward from the at least one outermost rear distal point" and the flap "is structured and arranged to secure said sanitary napkin to said user's undergarment when said flap is folded over said crotch portion of said user's undergarment".

It is respectfully submitted that a close review of Brisebois '699 reveals that it fails to disclose a flap that has both of the above discussed features. In particular it is noted that col. 6, ll. 10-14, of Brisebois '699 states that in the variant shown in Fig. 2 "the liquid-containment structure is significantly reduced in length and no longer provides stabilization activity". In other words, the liquid-containment structure 20 shown in Fig. 2 is *not* "structured and arranged to secure said sanitary napkin to said user's undergarment when said flap is folded over said crotch portion of said user's undergarment" in the manner of the claimed invention.

In view of the above it is respectfully submitted that Brisebois '699 fails to anticipate the claimed invention as recited in amended claims 1 and 14. Claims 2-8 and 11 depend either directly or indirectly from claim 1 and thus it is submitted that these claims are also allowable at least for the reasons set forth above.

Claims 1 and 12 were rejected under 35 USC 102(e) as being anticipated by Brisebois (US2002/0143311 A1). The Examiner's rejection is respectfully traversed. The Examiner contends that the '311 application "discloses a sanitary napkin 20 that includes a side flap 20 projecting laterally outward from the absorbent system 40." It is respectfully submitted that the same structure 20 cannot constitute two different elements (i.e. "the napkin 20 and the side flap 20") at the same time. Further, it is respectfully submitted that the liner 20 disclosed in the '311 application fails to disclose a flap adapted to be folded over a crotch portion of a user's undergarment in use. Accordingly, it is respectfully submitted that the '311 application fails to disclose the claimed invention as recited in amended claim 1.

Rejections Under 35 U.S.C. 103

Claims 9 and 10 were rejected under 35 USC 103(a) as being obvious in view of Brisebois '699. For at least the reasons discussed above it is respectfully submitted that Brisebois '699 fails to render the claimed invention obvious.

New Claims 15, 16, and 17

Claims 15 and 16 have been added to further define the invention. It is respectfully submitted that none of the cited references disclose the features recited in new claims 15 and 16.

New claim 17 includes the subject matter previously recited in original claim 1, claim 13 and intervening claim 12. The Examiner indicated in the Office Action that the subject matter of claim 13 would be allowable if rewritten in independent form. Accordingly it is respectfully submitted that new claim 17 is allowable.

Conclusion

For the foregoing reasons, the present application is now clearly in condition for allowance. Accordingly, favorable reconsideration of the amended claims in light of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form for allowance, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/PPC-5006-USNP/PJH.

Respectfully submitted,

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